



# **Colorado Commission on Criminal and Juvenile Justice**

**2023 SMART Government Act Hearing  
Presentation to the Joint Judiciary Committee  
January 19, 2023**



## Colorado Commission on Criminal and Juvenile Justice

**A multidisciplinary 30-member entity that was established in 2007 by §16-11.3-101, C.R.S. to improve “the effective administration of justice” by undertaking a comprehensive examination of the criminal and juvenile justice systems and making recommendations for reform.**



## CCJJ Mission Statement

**The mission of the Commission** is to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources. The work of the Commission will focus on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds.



## COVID Impact on CCJJ

Meetings of the Commission, its Task Forces and Working Groups met virtually during the height of the COVID-19 pandemic.

The Commission now offers **hybrid meetings**, allowing member and the public to attend in person or virtually. CCJJ subgroups, such as Task Forces and Working Groups, continue to meet virtually for the convenience of the members.



# Colorado Commission on Criminal & Juvenile Justice

## CCJJ Current Membership

**Stan Hilkey, CHAIR**

Executive Director, Department of Public Safety

**Abigail Tucker, VICE CHAIR**

Mental Health Provider

**Taj Ashaheed**, Second Chance Center (Lived exper.)

**Minna Castillo Cohen**, Director, Children, Youth and Families (CDHS)

**Shawn Day**, Municipal Judge (representing Munis.)

**Janet Drake**, Deputy Attorney General

**Valarie Finks**, Victim Services Director, 18<sup>th</sup> J.D., representing Victim Rights Organizations

**Jaime FitzSimons**, Summit County Sheriff

**Bob Gardner**, Senator, S.D. 12

**Julie Gonzales**, Senator, S.D. 34

**Serena Gonzales-Gutierrez**, Representative, H.D. 4

**Justin “JR” Hall**, Chair, CO State Board of Parole

**David “Dave” Hayes**, Chief, Estes Park Police Dept.

**Kristiana Huitron**, Voces Unidas for Justice (repr. Victim Advocates)

**Jessica Jones**, Criminal Defense Attorney [At Large]

**Kira Jukes**, Exec. Dir., JeffCo JAC (repr. juvenile justice)

**Rick Kornfeld**, Criminal Defense Attorney

**Greg Mauro**, Director, Denver Comm. Corr. [At Large]

**Patrick Murphy**, Chief Judge, 11<sup>th</sup> J.D.

**Steve O’Dorisio**, Adams County Commissioner

**Angie Paccione**, Executive Director, Dept. of Higher Ed.

**Tom Raynes**, Exec. Dir., CO District Attorneys’ Council

**Megan Ring**, State Public Defender

**Michael Rourke**, District Attorney, 19<sup>th</sup> J.D.

**Gretchen Russo**, Member, Juvenile Parole Board

**Moses “Andre” Stancil**, Interim Exec. Dir., CDOC

**Glenn Tapia**, Director, Division of Probation Services

**Joe Thome**, *ex-officio*, Dir., Division of Criminal Justice

**VACANT**, Representing Crime Victims/Survivors

**VACANT**, Representing House Representative (R)



# Completed Legislative & Policy Recommendations



## FY22 Recommendations

### Sentencing Reform Task Force

#### **FY22-SR01. Define the Purposes of Probation (Statutory)**

Amend Colorado Revised Statutes to define the purposes of probation:

- To serve as a sentencing option and a response to crime in order to moderate and deter future criminal behavior and victimization.
- To support persons in behavior change through the coordination and provision of effective and individualized services which may include, but are not limited to, educational, therapeutic, restorative and skill building services
- To hold persons accountable for their behavior through supervision and interventions that promote reparation of harm to community and victims which shall include, but is not limited to, restitution to victims.
- To serve as a cost-effective option for persons appropriate for community supervision.
- To honor the statutory and constitutional rights of victims of crime.

*During the FY 2022 Legislative Session, this recommendation was included in House Bill 2022-1257 (Concerning the adoption of the 2022 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing provisions for offenses). The bill passed in the General Assembly 3/31/2022 and was signed by the Governor 4/7/2022.*



## FY22 Recommendations

### Sentencing Reform Task Force

#### **FY22-SR03. Increase Access to Telehealth Services for Behavioral Health (Policy)**

Agencies in the state should develop policies to standardize and increase access to telehealth services for behavioral health treatment for those individuals on community supervision within the criminal justice system. This recommendation includes several propositions directed to multiple agencies to revise practice standards. These standards should address such topics as Competency of the Provider, Ethical Considerations in Standards of Care, Informed Consent, Diversity and Inclusivity Considerations, Confidentiality of Data & Information, Security & Transmission of Data & Information, Participant Guidelines and Criteria, and Telehealth Treatment Decision Making.

*This recommendation, approved by the Commission on December 10, 2021, involves agency/entity implementation.*



## FY22 Recommendations

### Sentencing Reform Task Force

#### **FY22-SR05. Implement Individualized Behavioral Responses to Probation Violations (Statutory)**

Amend statutes, and any other required conforming revisions to statute to reflect contemporary best practice guidelines that serve people on probation and deferred sentences, especially those diagnosed and/or dealing with substance use disorders. Such practices provide corresponding systems that include a range of individualized and structured behavioral responses to substance use and other behaviors that violate typical conditions of probation. This recommendation specifically prioritizes modern methods of rehabilitative and reparative justice that align with the statutory purposes of probation (included in CCJJ Recommendation FY22-SR #01. Define the Purposes of Probation) rather than the finite and limited responses in current statute that reflect retributive, punitive, and deterrent-based justice methods.

*During the FY 2022 Legislative Session, this recommendation was included in House Bill 2022-1257 (Concerning the adoption of the 2022 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing provisions for offenses). The bill passed in the General Assembly 3/31/2022 and was signed by the Governor 4/7/2022.*



## FY22 Recommendations

### Sentencing Reform Task Force

#### **FY22-SR06. Revise Penalties for Unauthorized Practice of Certain Professions or Occupations (Statutory)**

Amend Colorado Revised Statutes to include a new statutory section with additional professions, the practice of which without a license, should be a felony due to a public safety risk. These crimes shall be a Class 6 Felony.

*During the FY 2022 Legislative Session, this recommendation was included in House Bill 2022-1257 (Concerning the adoption of the 2022 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing provisions for offenses). The bill passed in the General Assembly 3/31/2022 and was signed by the Governor 4/7/2022.*



## FY22 Recommendations

### Sentencing Reform Task Force

#### **FY22-SR07. Revise Value Basis for Theft of Public Benefits (Statutory)**

Amend Colorado Revised Statutes related to theft of public benefits to clarify that the amount of theft is based on the amount of benefits paid for which the person is not legally entitled. More specifically, the level of criminal offense is based on the amount of benefits received by the person for which the person is not entitled and does not include the amount the person is entitled to receive.

*During the FY 2022 Legislative Session, this recommendation was included in House Bill 2022-1257 (Concerning the adoption of the 2022 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing provisions for offenses). The bill passed in the General Assembly 3/31/2022 and was signed by the Governor 4/7/2022.*



## FY22 Recommendations

### Sentencing Reform Task Force

#### **FY22-SR08. Add Prison As An Intermediate Sanction Confinement Facility (Statutory)**

Amend Colorado Revised Statutes to grant statutory authority to the Executive Director of the Colorado Department of Corrections to confine parolees in a prison facility, in addition to utilizing jails, for the purpose of confinement as an intermediate sanction for up to 14 days without filing a complaint seeking revocation of parole. This will provide the Department of Corrections and parole officers additional options for swift and sure intermediate sanctions.

*During the FY 2022 Legislative Session, this recommendation was included in House Bill 2022-1257 (Concerning the adoption of the 2022 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing provisions for offenses). The bill passed in the General Assembly 3/31/2022 and was signed by the Governor 4/7/2022.*



## FY22 Recommendations

### Sentencing Reform Task Force

#### **FY22-SR09. Revise Felony Offenses Eligible for the Crime of Possession of Weapons by Previous Offenders (POWPO) (Statutory)**

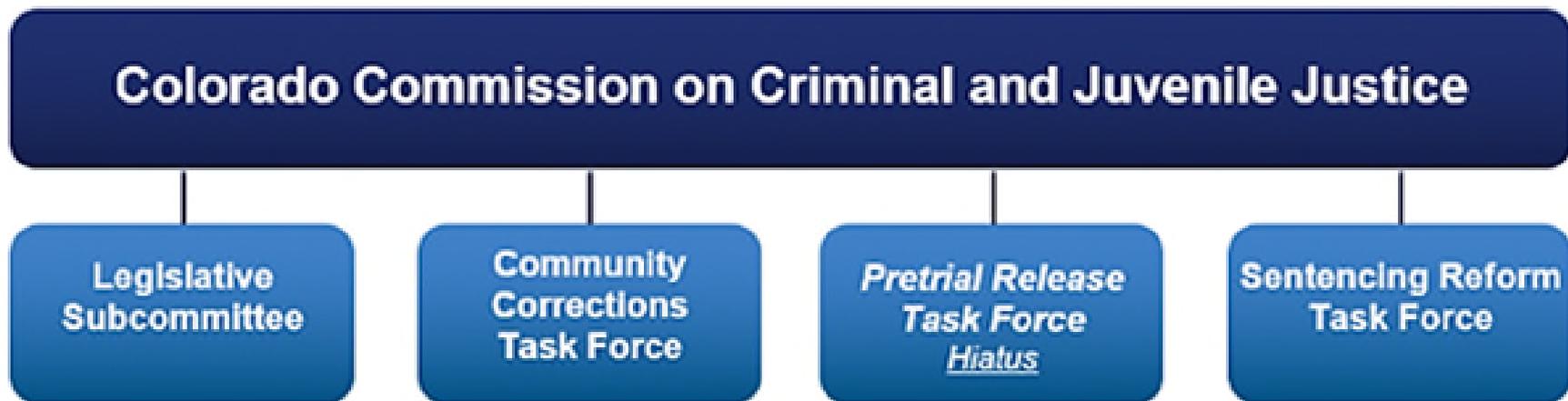
Amend Colorado Revised Statutes Possession of Weapons by Previous Offenders to include additional non-VRA felony offenses based on public safety considerations.

*During the FY 2022 Legislative Session, this recommendation was included in House Bill 2022-1257 (Concerning the adoption of the 2022 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing provisions for offenses). The bill passed in the General Assembly 3/31/2022 and was signed by the Governor 4/7/2022.*



# Colorado Commission on Criminal & Juvenile Justice

## Current Task Forces & Subcommittees



*Please note that the Commission and its task forces are engaged in ongoing work regarding minority overrepresentation through the analysis and discussion of data and information about the race/ethnicity composition of individuals involved in the justice system.*



# Colorado Commission on Criminal & Juvenile Justice

## Current Task Forces & Subcommittees

Community Corrections  
Task Force (2022)

Upcoming  
Reentry Task Force (2023)

Sentencing Reform  
Task Force (2023)

Parole  
Working Group

Sentence  
Alternatives/Decisions &  
Probation Working  
Group

Sentence Structure  
Working Group

Sentence Progression  
Working Group

Pretrial Release  
Task Force

Audiovisual Techno  
Working Group

Recs/HB19-1226 Review  
Working Group

Judicial Engagement  
Working Group

Pretrial Services Data  
Working Group

**ON HIATUS**



# Colorado Commission on Criminal & Juvenile Justice

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## Current CCJJ Task Forces and Subcommittees

### Legislative Subcommittee

Reviews the language of bills derived from CCJJ recommendations and determines whether legislation reflects the original recommendation intent. Members review legislation or legislative changes as bills progress through the legislature.

### Pretrial Release Task Force

The Pretrial Release Task Force was seated by the Commission in June 2017 and was charged to review the implementation of 2013 bail reform legislation related to previous Commission recommendations.

*The Pretrial Release Task Force is on hiatus.*



## Current CCJJ Task Forces and Subcommittees

### Sentencing Reform Task Force

The Sentencing Reform Task Force was seated by the Commission on September 9, 2020. This Task Force was assigned to address sentencing topics delineated in the **2020 Governor Polis Biennial Letter** and additional topics included in the **2022 Biennial Letter** pursuant to House Bill 2018-1287.

The Task Force created Working Groups that have completed or are completing recommendations for the FY 2023 legislative session.

### Working Groups

#### ONGOING

- **Sentence Structure**  
*Michael Dougherty, Leader*  
*(D.A., 20<sup>th</sup> Judicial District)*
- **Sentencing Alternatives/Decisions & Probation**  
Glenn Tapia, Leader  
*(Dir., Probation Division)*

#### CONCLUDED

- **Sentence Progression**  
*Emily Fleischmann, Co-Leader (State Public Defender Off.)*  
*Brian Mason, Co-Leader (D.A., 17<sup>th</sup> Judicial District)*  
*Greg Mauro, Co-Leader (Denver Community Corrections)*
- **Parole**  
*Kristin Hilkey, Co-Leader (Parole Board)*  
*Greg Mauro, Co-Leader (Denver Community Corrections)*



# Colorado Commission on Criminal & Juvenile Justice

## Sentencing Reform Task Force Members

**Rick Kornfeld, Co-chair, Private defense**

**Michael Dougherty, Co-chair, DA, 20<sup>th</sup> JD**

### *CCJJ Commissioners*

### *Community members*

**Taj Ashaheed, Second Chance Center**

**Maureen Cain, Office of State Public Defender**

**Valarie Finks, Victim Rep., DA Office, 1<sup>st</sup> JD**

**Christie Donner, CO Criminal Justice Reform Coalition**

**Bob Gardner, State Sen., SD 12**

**Kazi Houston, Victim Rep., Rocky Mtn. Victim Law Ctr.**

**Julie Gonzales, State Sen., SD 34**

**David Kaplan, Private defense**

**Serena Gonzales-Gutierrez, State Rep., HD 4**

**Sarah Keck, Office of the State Court Admin.**

**Justin "JR" Hall, Parole Board Chair**

**Brian Mason, D.A., 17<sup>th</sup> JD**

**David "Dave" Hayes, Police Chief, Estes Park**

**Andrew Matson, Colorado CURE (Lived Exper.)**

**Jessica Jones, Private defense**

**Heather McClure, Adams Co. CJ Council (Lived Exper.)**

**Greg Mauro, Denver Community Corrections**

**Jefferey Nowacki, Colorado State University**

**Tom Raynes, CO District Attorneys' Council**

**Dan Rubinstein, D.A., 21<sup>st</sup> JD**

**Michael Rourke, D.A., 19<sup>th</sup> JD**

**Adrian Vasquez, Police Chief, Colorado Springs**

**Moses "Andre" Stancil, Interim Dir., CDOC**

**Glenn Tapia, Probation Division**



# Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

## ***Sentence Structure Working Group***

### Members

**Michael Dougherty** [*WG Leader*], DA, 20th JD  
**Maureen Cain**, State Public Defender Office  
**Valarie Finks**, Victim Comp., DA Office, 1st JD  
**Jes Jones**, Defense/ Private defense  
**David Kaplan**, Defense/ Private defense  
**Tom Raynes**, Colorado District Attorney's Council  
**Dan Rubinstein**, District Attorney, 21st JD

### Areas of Focus

- Felony and Misdemeanor offenses and sentencing
- Sentence ranges
- Enhancements (e.g., Habitual offender, Extraordinary risk)
- Promoting consistency and certainty in sentencing
- Simplify various aspects of sentencing

### Priorities for FY 2023 Legislative session

- Amend statutes related to Motor Vehicle Theft, Extreme Indifference Murder, Mandatory Consecutive Sentences, Habitual Offenses, Vehicular Homicide, and Extraordinary Risk
- Reclassify certain Felony Crimes



# Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

## **Sentencing Alternatives/Decisions & Probation WG**

### Members

**Glenn Tapia** [*WG Leader*], Judicial Branch/ Probation Division  
**Chris Gallo**, DA Office/ 18th JD  
**Kristin Heath**, Jefferson County Justice Services  
**Kazi Houston**, Victim Representative/ Rocky Mt. Victim Law Ctr.  
**Matt James**, DA Office/ 2nd JD  
**Heather McClure**, Adams County CJ Council (Lived experience)  
**Clay McKisson**, Court/ Judge, 3<sup>rd</sup> JD  
**Jenifer Morgen**, Probation/ 17<sup>th</sup> JD  
**Greg Otte**, Probation/ 8<sup>th</sup> JD  
**Thea Reiff**, Defense/ Office of State Public Defender  
**Elaina Shively**, Restorative Justice Colorado, DA Office/ 20<sup>th</sup> JD  
**Abigail Tucker**, Behavioral Health Treatment Provider

### Areas of Focus

- Examine the operation of probation regarding the use of conditions, the length of supervision, and responses to violations
- Culture, Gender, and minority disparities in probation practices and outcomes
- Consider alternatives that can be utilized at sentencing
- Define the purposes of probation and the impact of probation practices on the prison population

### Priorities for FY 2023 Legislative session

➤ *Standardize Early Termination Policy in Probation [Statutory] (FY23-SR #01)*

This recommendation was presented to the Commission on December 2022 for a vote in January 2023.



# Colorado Commission on Criminal & Juvenile Justice

## Sentencing Reform Task Force

### Sentence Progression Working Group

#### Members

**Emily Fleischmann**, [WG Co-Leader], Office of Public Defender  
**Brian Mason**, [WG Co-Leader], DA Office, 17<sup>th</sup> JD  
**Greg Mauro**, [WG Co-Leader], Denver Div. of Comm. Corrs.  
**Joseph Archambault**, Office of the State Public Defender  
**Taj Ashaheed**, Second Chance Center (Lived experience)  
**Christie Donner**, CO Criminal Justice Reform Coalition  
**Bob Gardner**, State Senate, District 12  
**Justin “JR” Hall**, Chair, CO State Board of Parole  
**Rick Kornfeld**, Defense/ Private defense

**Andrew Matson**, Colorado CURE (Lived experience)  
**Merideth McGrath**, CO Dept. of Corrections  
**Richard Morales**, Latino Coalition  
**Steve O’Dorisio**, Commissioner/ Adams Co. Board of Comms.  
**Amber Pedersen**, CO Dept. of Corrections  
**Michael Rourke**, DA/ 19th JD  
**Emily Tofte Nestaval**, Rocky Mountain Victim Law Center  
**Abigail Tucker**, Behavioral Health Provider  
**Catrina Weigel**, DA Office/ 20th JD

#### Areas of Focus

- Examine options/incentives to promote positive progress during incarceration
- Prepare individuals throughout incarceration for release and re-entry
- Review existing re-entry options and opportunities to redefine or expand such options

*Pursuant to the 2022 Gov. Biennial Letter, the Commission authorized a new **Re-entry Task Force** with a broad mission to improve re-entry programs for incarcerated individuals returning to the community. In November 2022, the Sentencing Reform Task Force discontinued this Working Group in anticipation that many of the WG members may serve on this new Re-entry Task Force. The WG prepared a summary of its work and findings for continued exploration by the Re-entry Task Force.*



## Current CCJJ Task Forces and Subcommittees

### Community Corrections Task Force

The Community Corrections Task Force was seated by the Commission and conducted its first meeting in July 2022. This Task Force is addressing the mandates outlined in H.B. 22-1368 regarding community corrections.

The general charge and timeline for the Task Force is established in statute, specifically to examine and make findings and recommendations to the Commission concerning whether it is appropriate to expand access to the community corrections programs for persons convicted of misdemeanors.

The elements for study are outlined in H.B. 22-1368. Pursuant to the bill, a report of findings and recommendations will be submitted to the Commission by July 1, 2023.



# Colorado Commission on Criminal & Juvenile Justice

## Community Corrections Task Force Members

**Glenn Tapia, *Chair***, Division of Probation Services (CCJJ)

**Tim Hand, *Vice-Chair***, Larimer County Community Corrections

**Doug Carrigan**, Advantage Treatment Centers

**Chris Meeks**, Denver Board member

**David Coleman**, Second Chance Center

**Kristiana Huitron**, Voces Unidas for justice (CCJJ)

**Katie Ruske**, Division of Criminal Justice

**Todd Rowell**, Mesa County Sheriff's Office

**John Draxler**, Probation Office, 13<sup>th</sup> Judicial District

**Ken Kupfner**, D.A. Office, 13<sup>th</sup> Judicial District

**James Karback**, State Public Defender, Arapahoe County Office

**Vacant**: Lived Experience

*[CCJJ – Commission members; Membership is defined in statute at §16-11.3-103.3 (2), C.R.S]*



## Current CCJJ Task Forces and Subcommittees

### Community Corrections Task Force

#### Work-to-Date

The Task Force has gathered information on:

- The distribution of individuals by gender and race/ethnicity on probation (*who might be affected by this statutory change*),
- Community Corrections services,
- Bed capacity in Community Corrections, and
- A stabilization pilot program in Denver that may serve as a model.

In upcoming meetings, the group will address the specific statutory mandates, including defining the misdemeanor population that might be better served in a Community Corrections placement (rather than probation) and a framework for the provision of such services.



## Ongoing Recommendation Development

- The Sentencing Reform Task Force (SRTF) and CCJJ will complete legislative-related recommendations applicable for this legislative session.
- The SRTF will continue tasks assigned by the Commission to develop sentencing-related recommendations derived from the topics in the 2020 and the 2022 Gov. Biennial Letters.
- The Community Corrections Task Force reached preliminary consensus to propose the implementation of pilot programs to evaluate the provision of services for misdemeanants through Community Corrections. It is expected the Task Force will complete such recommendation in Spring 2023 in advance of its July 2023 deadline.
- All groups will continue to examine current practices for disparate impact within the assigned topics and to prepare ameliorative solutions.



# Questions?

**For more information about the Commission  
and its activities, please see the  
Commission website at, [ccjj.colorado.gov](https://ccjj.colorado.gov)**